

ASSEMBLY BILL

No. 2516

Introduced by Assembly Member Hill

February 19, 2010

An act to amend Section 12955.1 of the Government Code, relating to community development.

LEGISLATIVE COUNSEL'S DIGEST

AB 2516, as introduced, Hill. Community development: housing discrimination.

The existing California Fair Employment and Housing Act (FEHA) makes it unlawful to discriminate against any person in any housing accommodation on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. It permits the Department of Fair Employment and Housing to engage in affirmative actions to prevent and provide for effective remedies against housing discrimination.

Under existing law, discrimination includes, but is not limited to, a failure to design and construct a covered multifamily dwelling in a specified manner. Existing law provides that regulations adopting building standards necessary to implement, interpret, or make specific these provisions are required to be developed by the Office of the State Architect for public housing and by the Department of Housing and Community Development for all other residential occupancies, as specified.

This bill would revise the definition of discrimination to include prescribed requirements relating to multistory dwelling units located in buildings where the closest edge or perimeter of the building is within $\frac{1}{2}$ mile of a transit station.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12955.1 of the Government Code is
2 amended to read:
3 12955.1. (a) For purposes of Section 12955, “discrimination”
4 includes, but is not limited to, a failure to design and construct a
5 covered multifamily dwelling in a manner that allows access to,
6 and use by, disabled persons by providing, at a minimum, the
7 following features:
8 (1) All covered multifamily dwellings shall have at least one
9 building entrance on an accessible route, unless it is impracticable
10 to do so because of the terrain or unusual characteristics of the
11 site. The burden of establishing impracticability because of terrain
12 or unusual site characteristics is on the person or persons who
13 designed or constructed the housing facility.
14 (2) All covered multifamily dwellings with a building entrance
15 on an accessible route shall be designed and constructed in a
16 manner that complies with all of the following:
17 (A) The public and common areas are readily accessible to and
18 usable by persons with disabilities.
19 (B) All the doors designed to allow passage into and within all
20 premises are sufficiently wide to allow passage by persons in
21 wheelchairs.
22 (C) All premises within covered multifamily dwelling units
23 contain the following features of adaptable design:
24 (i) An accessible route into and through the covered dwelling
25 unit.
26 (ii) Light switches, electrical outlets, thermostats, and other
27 environmental controls in accessible locations.
28 (iii) Reinforcements in bathroom walls to allow later installation
29 of grab bars around the toilet, tub, shower stall, and shower seat,
30 where those facilities are provided.
31 (iv) Useable kitchens and bathrooms so that an individual in a
32 wheelchair can maneuver about the space.
33 (b) (1) For purposes of Section 12955, “discrimination”
34 includes, but is not limited to, a failure to design and construct 10
35 percent of the multistory dwelling units in buildings without an

1 elevator that consist of at least four condominium dwelling units
2 or at least three rental apartment dwelling units in a manner that
3 incorporates an accessible route to the primary entry level entrance
4 and that meets the requirements of paragraph (2) of subdivision
5 (a) with respect to the ground floor, *a unit with at least one full*
6 *bathroom, including a bath and shower combination*, on the
7 primary entry level and the public and common areas. Any fraction
8 thereof shall be rounded up to the next whole number. For purposes
9 of this subdivision, “elevator” does not include an elevator that
10 serves only the first ground floor or any nonresidential area. In
11 multistory dwelling units in these buildings without elevators, the
12 “primary entry level entrance” means the principal entrance through
13 which most people enter the dwelling unit, as designated by the
14 California Building Standards Code or, if not designated by
15 California Building Standards Code, by the building official. To
16 determine the total number of multistory dwelling units subject to
17 this subdivision, all multistory dwelling units in the buildings
18 subject to this subdivision on a site shall be considered collectively.
19 This subdivision shall not be construed to require an elevator within
20 an individual multistory dwelling unit or within a building subject
21 to this subdivision. ~~This~~

22 (2) *For multistory dwelling units located in buildings where the*
23 *closest edge or perimeter of the building is within one-half mile*
24 *of a transit station, as defined in Section 65460.1, a failure to*
25 *design and construct buildings according to the following*
26 *requirements shall be considered “discrimination” under Section*
27 *12955:*

28 *At least 10 percent of the units in buildings without an elevator*
29 *that consist of at least four condominium dwelling units or at least*
30 *three rental apartment dwelling units shall be designed and*
31 *constructed in a manner that incorporates an accessible route to*
32 *the primary entry level entrance and meets the requirements of*
33 *paragraph (2) of subdivision (a) with respect to the ground floor,*
34 *the requirements of paragraph (1), and includes a bedroom and*
35 *a kitchen on the ground floor, both of which shall be readily*
36 *accessible to and usable by persons with disabilities.*

37 (3) *Changes to this subdivision made during the 2009–10*
38 *Regular Session* shall apply only to multistory dwelling units in a
39 building subject to this subdivision for which an application for a

1 construction permit is submitted on or after ~~July 1, 2005~~ *January*
2 *1, 2011*.

3 ~~(2)~~

4 (4) Notwithstanding subdivision (c), the Division of the State
5 Architect and the Department of Housing and Community
6 Development may adopt regulations to clarify, interpret, or
7 implement this subdivision, if either of them deem it necessary
8 and appropriate.

9 (c) Notwithstanding Section 12935, regulations adopting
10 building standards necessary to implement, interpret, or make
11 specific the provisions of this section shall be developed by the
12 Division of the State Architect for public housing and by the
13 Department of Housing and Community Development for all other
14 residential occupancies, and shall be adopted pursuant to Chapter
15 4 (commencing with Section 18935) of Part 2.5 of the Health and
16 Safety Code. Prior to the effective date of regulations adopted
17 pursuant to this subdivision, existing federal accessibility standards
18 that provide, to persons with disabilities, greater protections than
19 existing state accessibility regulations shall apply. After regulations
20 pursuant to this subdivision become effective, particular state
21 regulations shall apply if they provide, to persons with disabilities,
22 the same protections as, or greater protections than, the federal
23 standards. If particular federal regulations provide greater
24 protections than state regulations, then those federal standards
25 shall apply. If the United States Department of Housing and Urban
26 Development determines that any portion of the state regulations
27 are not equivalent to the federal standards, the federal standards
28 shall, as to those portions, apply to the design and construction of
29 covered multifamily dwellings until the state regulations are
30 brought into compliance with the federal standards. The appropriate
31 state agency shall provide notice pursuant to the Administrative
32 Procedure Act (Chapter 5 (commencing with Section 11500) of
33 Part 5 of Division 3 of Title 2) of that determination.

34 (d) In investigating discrimination complaints, the department
35 shall apply the building standards contained in the California
36 Building Standards Code to determine whether a covered
37 multifamily dwelling is designed and constructed for access to and
38 use by disabled persons in accordance with this section.

39 (e) The building standard requirements for persons with
40 disabilities imposed by this section shall meet or exceed the

1 requirements under the federal Fair Housing Amendments Act of
2 1988 (P.L. 100-430) and its implementing regulations (24 C.F.R.
3 100.1 et seq.) and the existing state law building standards
4 contained in the California Building Standards Code.

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